

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KARL SWANSON and
KATHY WIETHARN,

*

Plaintiffs,

*

-vs-

*

Case No. 09 CV 0097

CITY OF CHETEK, a municipal corporation; and
JERRY WHITWORTH, in his individual and
official capacities,

*

*

Defendants.

*

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS**

TO: City of Chetek and
Jerry Whitworth
c/o Attorney Thomas J. Misfeldt
Weld, Riley, Prenn & Ricci, S.C.
3624 Oakwood Hills Pkwy.
P.O. Box 1030
Eau Claire, WI 54702-1030

Plaintiffs Karl Swanson and Kathy Wietharn, by their attorneys, A. Steven Porter and Dwight Pringle, hereby request, pursuant to Rule 34, Federal Rules of Civil Procedure, that defendants City of Chetek and Jerry Whitworth respond within thirty (30) days to the following requests:

I. That defendants produce for inspection and copying by plaintiffs and/or their attorney or designated agents each of the following:

A. All files, whether in paper or digital or electronic form, in defendants' possession or control pertaining to:

1. Karl Swanson, Kathy Wietharn or their real property located at 424 Lakeview Drive, Chetek, Wisconsin.

2. All complaints, permits issued or applied for and all efforts and actions to enforce Chetek Municipal Ordinances regarding the construction, erection or placement of fences on residential property in the City of Chetek from 1997 through 2008, inclusive.

B. All documents, files, meeting minutes, common council resolutions, letters, notes, reports, communications, surveys, memos, telephone messages, voice messages, fax covers, audio and video recordings, computer files, emails, complaints and other writings, recordings and documents in defendants' possession or control whether in paper or digital or electronic form and pertaining in any way to:

1. Any complaint received and any investigation or action initiated against Karl Swanson, Kathy Wietharn or concerning their real property located at 424 Lakeview Drive, Chetek, Wisconsin, including, but not limited to, complaints, Wisconsin Uniform Municipal Court Citations and Complaints, alleged Chetek Municipal Code violations and stop-work orders.

2. Building permits or other permits requested, applied for, granted or rescinded pertaining to plaintiff Swanson's real property at 424 Lakeview Drive, Chetek, Wisconsin.

3. Building permits or other permits requested, applied for, granted or rescinded pertaining to the real property at 448 Lakeview Drive, Chetek, Wisconsin.

C. All memos, letters, minutes, communications, notes, documents, e-mail messages, telephone messages, fax covers, audio or video recordings, computer files, complaints and other writings, recordings and documents in defendants' possession or control, whether in paper or digital or electronic form, authored by, sent to or pertaining to:

1. Karl Swanson;

2. Kathy Wietharn;

3. The real property at 424 Lakeview Drive, Chetek, Wisconsin.

D. All ordinances, rules, policies, policy manuals, enforcement manuals, regulations, procedure manuals, training manuals and materials and performance and enforcement directives pertaining to the handling of complaints of building code violations and to the enforcement of building codes and permits in the City of Chetek between 1997 and 2008, inclusive.

E. Organization charts pertaining to the offices responsible for building and zoning code enforcement in the City of Chetek in 2006 and 2008.

F. All documents listed in defendant's Rule 26 initial disclosures.

G. All files of all experts whom respondent may call as expert witnesses for purposes of testifying at the trial in this matter.

II. That defendant produce the documents and things requested in Part I, above, for inspection and copying at the office of:

Attorney A. Steven Porter
7818 Big Sky Drive, Suite 112
Madison, Wisconsin 53719

on or before June 22, 2009, during regular business hours of that office, or at such other date, time and place as may be mutually agreed upon between the parties.

Dated this 22nd day of May, 2009.

A. STEVEN PORTER AND
DWIGHT PRINGLE

By: 

A. Steven Porter

State Bar No. 01000195

Attorney for Plaintiffs

Karl Swanson and Kathy Wietharn

7818 Big Sky Drive, Suite 112
Madison, Wisconsin 53719
(608) 662-2285
asp@mailbag.com

3515 S. Tamarac Drive
Suite 200
Denver, Colorado 80237
(303) 757-5000
(303) 689-9627 fax
dlpringle@msn.com